

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SHIRDENIA BRYANT, et al., :

PLAINTIFFS, :

:

vs.

: Case No.: C-1-02-006

PRESCOTT BIGELOW, IV, et al., :

DEFENDANTS. :

* * * * *

DEPONENT: HARRY CURTIS

DATE: AUGUST 29, 2003

* * * * *

TERESA A. MOORE,

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COPY

<p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF OHIO</p> <p>3 WESTERN DIVISION</p> <p>4</p> <p>5 SHIRDENIA BRYANT, et al., :</p> <p>6 PLAINTIFFS, :</p> <p>7 :</p> <p>8 vs. : Case No.: C-1-02-006</p> <p>9 PRESCOTT BIGELOW, IV, et al., :</p> <p>10 DEFENDANTS. :</p> <p>11</p> <p>12</p> <p>13 * * * * *</p> <p>14 DEPONENT: HARRY CURTIS</p> <p>15 DATE: AUGUST 29, 2003</p> <p>16 * * * * *</p> <p>17</p> <p>18 TERESA A. MOORE,</p> <p>19 COURT REPORTER</p> <p>20</p> <p>21</p> <p>22</p> <p>23 BARLOW REPORTING & VIDEO SERVICES</p> <p>24 333 Madison Avenue</p> <p>25 Covington, Kentucky 41011</p> <p>(859) 261-8440</p>	<p>Page 3</p> <p>1 The deposition of HARRY CURTIS, taken for</p> <p>2 the purpose of discovery and/or use as evidence in</p> <p>3 the within action, pursuant to notice, heretofore</p> <p>4 taken at the offices of Gary R. Lewis Co., L.P.A.,</p> <p>5 30 Garfield Place, Suite 915, Cincinnati, Ohio</p> <p>6 45202, on August 29, 2003, at 9:51 a.m., upon oral</p> <p>7 examination, and to be used in accordance with the</p> <p>8 Ohio Rules of Civil Procedure.</p> <p>9</p> <p>10 * * * * *</p> <p>11 APPEARANCES</p> <p>12 REPRESENTING THE PLAINTIFFS:</p> <p>13 WILLIAM H. BLESSING, ESQ.</p> <p>14</p> <p>15 REPRESENTING THE DEFENDANTS:</p> <p>16 LEWIS: GARY R. LEWIS, ESQ.</p> <p>17</p> <p>18 ALSO PRESENT: Prescott Bigelow, IV</p> <p>19</p> <p>20 * * * * *</p> <p>21</p> <p>22</p> <p>23 HARRY CURTIS, called on behalf of the</p> <p>24 Defendants, after having been first duly sworn, was</p> <p>25 examined and deposited as follows:</p>
<p>Page 2</p> <p>1 INDEX</p> <p>2</p> <p>3 Cross-Examination By Mr. Lewis 4</p> <p>4 Examination By Mr. Blessing 211</p> <p>5 EXHIBITS</p> <p>6</p> <p>7 Defendants' Exhibit 1 23</p> <p>8 Defendants' Exhibit 2 38</p> <p>9 Defendants' Exhibit 3 40</p> <p>10 Defendants' Exhibit 4 43</p> <p>11 Defendants' Exhibit 5 54</p> <p>12 Defendants' Exhibit 6 67</p> <p>13 Defendants' Exhibit 7 71</p> <p>14 Defendants' Exhibit 8 75</p> <p>15 Defendants' Exhibit 9 77</p> <p>16 Defendants' Exhibit 10 83</p> <p>17 Defendants' Exhibit 11 93</p> <p>18 Defendants' Exhibit 12 122</p> <p>19 Defendants' Exhibit 13 125</p> <p>20 Defendants' Exhibit 14 149</p> <p>21 Defendants' Exhibit 15 150</p> <p>22 Defendants' Exhibit 16 154</p> <p>23 Defendants' Exhibit 17 165</p> <p>24 Defendants' Exhibit 18 176</p> <p>25 Defendants' Exhibit 19 199</p> <p>Defendants' Exhibit 20 203</p> <p>Page Line</p> <p>18</p> <p>19 Certified Question 50 17</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 CROSS-EXAMINATION</p> <p>2 BY MR. LEWIS:</p> <p>3 Q Sir, would you state your name for the</p> <p>4 record, please?</p> <p>5 A My name is Harry Curtis.</p> <p>6 Q Mr. Curtis, my name is Gary Lewis, and I</p> <p>7 represent the defendants in this case. And you</p> <p>8 filed a lawsuit against Mr. Bigelow and Roseanne</p> <p>9 Christian. We're here today to talk to you about</p> <p>10 that case and your claims.</p> <p>11 It's important that you and I are</p> <p>12 communicating, that you understand my questions, and</p> <p>13 that your answers are responsive to those questions.</p> <p>14 If you don't understand one of my questions, please</p> <p>15 ask me to clarify it. Understood?</p> <p>16 A I will.</p> <p>17 Q Please do not guess. Please do not base</p> <p>18 an answer on probably --</p> <p>19 A Okay.</p> <p>20 Q -- all right, or possibly.</p> <p>21 A Okay.</p> <p>22 Q Okay? And you sat through Mr. Bigelow's</p> <p>23 deposition a couple days ago, so you're familiar</p> <p>24 with the format, et cetera. Correct?</p> <p>25 A Yes, I am. Yes, I am.</p>

Page 5

1 Q If you need to take a break at any time,
 2 please let me know. We can accommodate that. We
 3 have soft drinks here, coffee, water. If you need
 4 that, that's no problem.
 5 A Okay.
 6 Q What is your current address?
 7 A My current address is 2660 Dehl, D-E-H-L,
 8 Road. And it's Cincinnati, Ohio 45211.
 9 Q Who do you live there with, sir?
 10 A It's a shelter. It's a homeless shelter.
 11 Q I see. Your current marital status,
 12 please?
 13 A I am separated from my wife.
 14 Q Are you still married to Patricia?
 15 A Yes, I am.
 16 Q Is there a divorce proceeding pending?
 17 A Not yet.
 18 Q Do you anticipate there will be one?
 19 A I don't really know.
 20 Q What is Patricia's current address?
 21 A I really don't know.
 22 Q Did she ever live -- or has she lived
 23 recently on Continental Street? Does that ring a
 24 bell with you?
 25 A I don't know. I haven't been to her home.

Page 6

1 I have no idea.
 2 Q How long have the two of you been
 3 separated?
 4 A Oh, several months. I guess, about, I
 5 would say, maybe six months.
 6 Q You and Patricia lived together at Fairfax
 7 Avenue; correct?
 8 A Yes, we did.
 9 Q Now, after the eviction proceeding --
 10 A Um-hmm.
 11 Q -- the Fairfax eviction, were you and
 12 Patricia living together --
 13 A Yes.
 14 Q -- after that?
 15 A Yes, we were.
 16 Q What address was that?
 17 A 3913 Vine Street.
 18 Q Do you know if Patricia still lives at
 19 3913 Vine Street?
 20 A I don't think so. I don't think so.
 21 Q You believe she moved?
 22 A Yes.
 23 Q But you don't know where she moved to?
 24 A No.
 25 Q Do you know if she still lives in the

Page 7

1 Cincinnati area?
 2 A Yes.
 3 Q When's the last contact you had with
 4 Patricia?
 5 A Approximately, I would say, about two
 6 months ago. Two months ago.
 7 Q Before you resided at 1966 Fairfax, where
 8 did you live?
 9 A We lived at -- on, I think it was,
 10 Glenridge. I'm pretty sure that's it. I don't
 11 know. Can't remember the address.
 12 Q Well, after you lived on Glenridge, you
 13 lived at North Crescent, didn't you?
 14 A Yeah, that's it, North Crescent. That was
 15 the address.
 16 Q Did you live at 731 North Crescent?
 17 A I don't know. I'm not sure.
 18 Q Does that sound familiar to you?
 19 A I know I lived on North Crescent.
 20 Q Does Apartment number 5 on North Crescent
 21 sound familiar to you?
 22 A I can't remember that.
 23 Q Was that the address that you and Patricia
 24 resided at just before you moved into Fairfax -- the
 25 North Crescent address, I mean?

Page 8

1 A I know I lived on North Crescent, but I
 2 can't remember the exact address or the apartment
 3 number.
 4 Q I understand. I'm not asking you that.
 5 You know you lived on North Crescent?
 6 A Yes.
 7 Q The question is, between the time that you
 8 lived at North Crescent and the time that you moved
 9 into Fairfax --
 10 A Um-hmm.
 11 Q -- did you and Patricia live anywhere
 12 else?
 13 A Not that I know of.
 14 Q So, you believe you moved from North
 15 Crescent into the Fairfax Avenue residence?
 16 A Yes.
 17 Q Then, before you lived at North Crescent,
 18 you lived on Glenridge, didn't you?
 19 A Glenridge? I don't -- well, now, I don't
 20 think Patricia and I -- North Crescent and south --
 21 no, Patricia and I didn't live on North Crescent. I
 22 don't think we did. I think we lived on -- let's
 23 see -- I don't know if it was Glenridge, or not. I
 24 really can't remember Glenridge. Glenridge --
 25 Glenridge. I don't know. I can't remember that. I

Page 9

1 can't remember. Because I think, on North Crescent,
 2 I think I lived with another -- with another person,
 3 with another wife. I'm not sure we lived on North
 4 Crescent.
 5 Q You recall that you lived on North
 6 Crescent, you just can't remember --
 7 A Yeah.
 8 Q -- the address; correct?
 9 A I remember that I lived there --
 10 Q I understand.
 11 A -- but I don't remember if Patricia and I
 12 lived there.
 13 Q Can you give me an approximate time frame
 14 for when you lived -- you lived on North Crescent,
 15 what years?
 16 A I guess it would be -- I'm not sure about
 17 that. I think it was in the '80s.
 18 Q I don't mean to interrupt you, but that
 19 guess/probably stuff is going to be a problem.
 20 A I'm saying, I'm not sure. I'm not sure.
 21 I think it was in the '80s.
 22 Q Now, let's get back to Glenridge. Do you
 23 recall living at 126 Glenridge?
 24 A Yes.
 25 Q You?

Page 10

1 A Me and Patricia.
 2 Q Did you live in Apartment D at 126
 3 Glenridge?
 4 A I'm not sure about the number, or anything
 5 like that. I know we lived on Glenridge.
 6 Q What period of time, approximately, did
 7 you and Patricia live at 126 Glenridge?
 8 A Oh, I think it was the late '80s, early
 9 '90s, I think.
 10 Q So, you believe you lived at Glenridge
 11 after you lived at North Crescent?
 12 A Yes, I did.
 13 Q So, you didn't move from the residence at
 14 North Crescent into Fairfax?
 15 A No. No, I moved from Glenridge.
 16 Q You moved from Glenridge to Fairfax?
 17 A Right.
 18 Q Have you ever resided in any other states
 19 other than Ohio?
 20 A When I was in the military, but not -- not
 21 after I was in the military.
 22 Q Where'd you grow up?
 23 A Here.
 24 Q Here in Cincinnati?
 25 A Yes.

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1 Q Did you go to elementary school --
 2 A Yes.
 3 Q -- high school in Cincinnati?
 4 A Yes.
 5 Q Have you ever been known by any other name
 6 other than Harry Curtis?
 7 A No.
 8 Q Tell me briefly your educational
 9 background, sir.
 10 A Well, I went to Hoffman Heights -- Hoffman
 11 Elementary. I went to Withrow High School. I
 12 attended Southern Ohio -- Southern Ohio College.
 13 Q So, you graduated from Withrow High
 14 School?
 15 A Yes, I did.
 16 Q When?
 17 A 1966.
 18 Q Then you went to Southern Ohio?
 19 A No, I went to the Service.
 20 Q Into the Service?
 21 A Um-hmm.
 22 Q Which branch of the Service, sir?
 23 A The Army.
 24 Q How long were you in the Army?
 25 A I was there for about approximately

Page 12

1 two-and-a-half years.
 2 Q Were you honorably discharged?
 3 A Yes, I was.
 4 Q After your Army service?
 5 A Then I came back and I started to work and
 6 I went to Southern Ohio college.
 7 Q What is the Southern Ohio College?
 8 A Well, it was -- at the time, it was an
 9 associate degree college. And my majors were
 10 computer science and robotics.
 11 Q Did you receive a degree from Southern
 12 Ohio College?
 13 A No, I did not.
 14 Q Then, after leaving Southern Ohio College,
 15 then what did you do after that?
 16 A I attended Xavier, also, Xavier
 17 University, as an accounting major. I didn't
 18 complete that.
 19 Q How long did you attend Xavier?
 20 A Approximately one year.
 21 Q Do you remember what year that was?
 22 A It was in the early '70s. I can't
 23 remember what year.
 24 Q After Xavier, did you attend any other
 25 schools?

Page 13

1 A Yes, I -- well, I attended, like, Scarlet
2 Oaks. It was a certification program. I received
3 certifications in metallurgical technology,
4 marketing and management, and metals forming.
5 Q And what was that last one?
6 A Metals forming.
7 Q So, when you say you received
8 certifications, is that different than a degree that
9 would be conferred?
10 A Well, from my understanding, I -- for the
11 metallurgical technology field, I had to take a --
12 what they consider a state exam, and that -- this
13 gave me a certification in that field, and then it
14 also gave me college credits for that particular
15 course.
16 Q With the combination of your schooling,
17 the schools that you talked about, do you have a
18 college degree?
19 A No.
20 Q Scarlet Oaks, can you tell me what year
21 you were there, or years?
22 A I was there, I guess, in the -- probably
23 mid '80s.
24 Q Now I'd like to talk to you about your
25 employment background.

Page 14

1 A Okay.
2 Q I think I'd like to do this after you left
3 Xavier --
4 A Um-hmm.
5 Q -- which, you indicated, was in the early
6 '70s, approximately.
7 A Um-hmm.
8 Q Just describe for me where you've been
9 employed and what you've done.
10 A I've worked at a company called Hertz
11 Celanese.
12 Q Hertz?
13 A Celanese.
14 Q What did you do for them?
15 A I was a chemical technician there.
16 Q Are they in Cincinnati?
17 A They are in Kentucky.
18 Q How long did you work for them?
19 A I worked for them approximately, I guess,
20 two, two-and-a-half years, I think.
21 Q Ballpark for me when that was.
22 A That was approximately -- I guess, it was
23 around, let's say -- let's say, the '70s.
24 Q To the best of your knowledge and belief.
25 A I would say, the '70s.

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1 Q Then, after Hertz Celanese, where did you
2 work?
3 A I also worked for Cincinnati Postal
4 Service.
5 Q U.S. Postal Service?
6 A Yes, U.S. Postal Service.
7 Q How long did you work for them?
8 A I worked there approximately two years, or
9 so.
10 Q I know it's tough, but when you start to
11 say guess and probably, try --
12 A Well, I would say, two years.
13 Q All right. Then, after -- why'd you leave
14 the U.S. Postal Service?
15 A I got injured there. I had a hernia
16 injury, and we had some complications with that.
17 Q After the U.S. Postal Service, where did
18 you work?
19 A Let's see, it might have been the Postal
20 Service and then Hertz Celanese. It was around that
21 time. I worked for a company called -- let me
22 think -- Hertz Celanese -- I worked for an air
23 freight company. It was over in Kentucky. I can't
24 remember the name. I was a driver. And I worked
25 for them until they -- they were sold out, the

Page 16

1 company was actually sold out.
2 Q You can't recall the name of that company?
3 A No, I can't.
4 Q Approximately how many years did you work
5 for that air freight company?
6 A About a year. I would say a year.
7 Q When was it?
8 A That was in the late '80s.
9 Q After this air freight company, did you
10 have other employment?
11 A Yes, uh-huh. I recently worked for the
12 IRS.
13 Q In?
14 A That was within the last year, last two
15 years.
16 Q So, between the late '80s, when you
17 were --
18 A Well, I worked with several other
19 companies. I worked as a bus driver for Settle
20 Service.
21 Q I'm trying to do this chronologically.
22 A I'm trying to remember, because it's been
23 so many -- I worked as a bus driver for Settle
24 Service.
25 Q After the air freight company in the late

Page 17

1 '80s, what's the next job you remember?
 2 A I worked for a bus driving company, Settle
 3 Service.
 4 Q Settle?
 5 A Um-hmm.
 6 Q How long did you work for them?
 7 A I worked for them for, I'd say, two years.
 8 Q Why'd you leave the Settle Service
 9 Company?
 10 A Because I was working with them the same
 11 time I was working with the post office. And so I
 12 had problems as far as, I was working for the post
 13 office at night and I was working for them at the
 14 daytime. So, I decided to leave them to go with the
 15 post office.
 16 Q Then, after Settle Service Company, the
 17 next job you can remember?
 18 A Let me think. Oh, I worked for -- let's
 19 see -- Mike Albert. I was a driver for them.
 20 Q When was that, please?
 21 A That was just before I went to the IRS.
 22 I'm just trying to get that --
 23 Q I understand.
 24 A -- fill that gap between the IRS and those
 25 other jobs. I could have brought a resume. I've

Page 18

1 forgotten it.
 2 Q Do you have a resume?
 3 A Yes, I do, but I don't have it with me.
 4 Q I understand. If you would -- this will
 5 save us some time, and I'll send your attorney a
 6 letter -- would you please retrieve that resume --
 7 A Sure.
 8 Q -- and give it to Mr. Blessing? And then
 9 we'll request it.
 10 THE WITNESS: Is that okay?
 11 MR. BLESSING: We cooperate.
 12 BY MR. LEWIS:
 13 Q Does your resume -- is it current?
 14 A Yes.
 15 Q It includes your employment --
 16 A Yes.
 17 Q -- all your employment on it?
 18 A It should, yes.
 19 Q You have been divorced previously, haven't
 20 you, sir?
 21 A Yes, I have.
 22 Q How many times?
 23 A Twice.
 24 Q Once in 1977; does that sound about right?
 25 A I think so, yes.

Page 19

1 Q And once in 1981?
 2 A Yes.
 3 Q Do you have any children?
 4 A No, I do not -- oh, I have -- I was paying
 5 for a child, but I never knew whether it was mine,
 6 or not. It was outside of the marriage. So, I
 7 would say yes.
 8 Q Is there a child-support order entered in
 9 some court in reference to that child?
 10 A Yes.
 11 Q What court is that, that issued that
 12 order?
 13 A Hamilton County.
 14 Q Hamilton County?
 15 A Um-hmm.
 16 Q Who was -- so, the way that child support
 17 order came about, did the mother of that child
 18 initiate some action against you for child support?
 19 A Well, that was in the early -- the late
 20 '60s. And I claimed the child and I paid support.
 21 And it's paid.
 22 Q I'm just asking how the proceedings
 23 started.
 24 A That's basically -- she said it was mine.
 25 I went down to the court and I agreed that the child

Page 20

1 was mine --
 2 Q So, there was --
 3 A -- and started making payments.
 4 Q There was a complaint for paternity filed;
 5 does that sound familiar to you?
 6 A I don't know.
 7 Q What was that woman's name that is
 8 involved in this proceeding?
 9 A Armentha Robinson.
 10 THE REPORTER: Can you spell her first
 11 name?
 12 THE WITNESS: No, but it's Armentha
 13 Robinson.
 14 BY MR. LEWIS:
 15 Q Are you still making child support
 16 payments?
 17 A Oh, no, that's paid.
 18 Q The child's no longer a minor?
 19 A No. No, I completed the payments, I mean,
 20 until they were proper age.
 21 Q Until they reached 18? That's what I
 22 meant.
 23 A Um-hmm.
 24 Q The child's no longer a minor?
 25 A No.

Page 21

1 Q Other than the arson conviction that we're
 2 going to be talking about later in this
 3 deposition --
 4 A Um-hmm.
 5 Q -- do you have any other criminal
 6 convictions, sir?
 7 A Wait a minute. Can I talk with my lawyer
 8 on this?
 9 MR. LEWIS: Um-hmm.
 10 (Brief recess taken.)
 11 MR. LEWIS: Back on the record. Sir, just
 12 for the rest of this proceeding, I didn't have
 13 a problem with you consulting with your
 14 attorney. But I'm going to ask you, from now
 15 on, when there is a question pending, not to go
 16 out and talk to your lawyer.
 17 THE WITNESS: Okay.
 18 MR. LEWIS: If you need to take a break at
 19 some time to talk to him, when there is not a
 20 question pending, I don't have a problem with
 21 it.
 22 THE WITNESS: Okay.
 23 MR. LEWIS: But please don't do it when
 24 I've asked you a question.
 25 MR. BLESSING: There may be a privilege

Page 22

1 issue that comes up that we may need to consult
 2 before we answer the question. So, that can't
 3 be a rule.
 4 MR. LEWIS: I understand. I'm just making
 5 the request. We'll deal it with a step at a
 6 time, if it happens again.
 7 MR. BLESSING: Okay.
 8 BY MR. LEWIS:
 9 Q So, the question was, have you ever been
 10 convicted of a criminal offense, other than the
 11 arson conviction?
 12 A No.
 13 Q No. Are you sure?
 14 A Yes.
 15 Q Do you remember your deposition being
 16 taken in the case of Bigelow versus Burbrink?
 17 A Yes, I do.
 18 Q Your deposition was taken before, and it
 19 was taken by an attorney by the name of Chris Laber;
 20 right?
 21 A Yes, um-hmm.
 22 Q Right? That deposition was at
 23 Mr. Blessing's office?
 24 A Right.
 25 Q It was taken on December 18th, 2001; do

Page 23

1 you recall that?
 2 A Um-hmm.
 3 Q Yes?
 4 A Yes.
 5 Q You were put under oath before that
 6 deposition, weren't you?
 7 A Yes.
 8 Q The testimony that you gave that day was
 9 truthful, wasn't it?
 10 A To my belief, yes.
 11 Q You told the truth when you were asked
 12 questions that day; correct?
 13 A Right. Right.
 14 (Defendants' Exhibit 1 marked
 15 for identification.)
 16 Q I want to show you what's been marked as
 17 Defendants' Exhibit No. 1. Can you identify that,
 18 sir?
 19 A It looks like the deposition.
 20 Q After your deposition was taken, did you
 21 review the transcript of your deposition?
 22 A No, not today -- or, I may have.
 23 Q I don't mean today. I'm talking about,
 24 after the deposition was taken on December 18th,
 25 2001, was it submitted to you for review?

Page 24

1 A Yes.
 2 Q Did you review it?
 3 A Yes.
 4 Q Did you determine that it was an accurate
 5 statement of the testimony that you gave on
 6 December 18th, 2001?
 7 A Pretty well, I guess. Yes.
 8 Q Yes? Look at -- if you look at page 61,
 9 please, sir, of Exhibit No. 1 -- actually, look at
 10 page 60, first, please. Do you have it in front of
 11 you?
 12 A Yes.
 13 Q On page 60, at line 21, you were asked:
 14 What type of misdemeanors have you been convicted
 15 of? Do you see that question? Page 60 --
 16 A Um-hmm.
 17 Q -- line 21.
 18 A Um-hmm.
 19 Q Do you see that?
 20 A Um-hmm.
 21 Q Right?
 22 A Yes.
 23 Q Then, the answer you gave was: I think a
 24 long, long time ago, I'm not sure.
 25 That was your answer then, wasn't it?

Page 25

1 A Yes.
 2 MR. BLESSING: Excuse me, that's not the
 3 complete answer.
 4 MR. LEWIS: I'm not going to read the
 5 whole thing, but that -- that was --
 6 BY MR. LEWIS:
 7 Q You responded to that question that way,
 8 didn't you, sir.
 9 A Yes.
 10 Q That was your answer --
 11 A Um-hmm.
 12 Q -- right?
 13 A Um-hmm.
 14 Q Yes?
 15 A On 61?
 16 Q I'm still on page 60, sir. In response to
 17 the question, What type of misdemeanors have you
 18 been convicted of? You said, I think a long, long
 19 time ago, I'm not sure.
 20 You said that, didn't you?
 21 A Yes.
 22 Q Then you said: I know I didn't have
 23 anything, I think I had a long, maybe 20 years ago,
 24 I got --
 25 Question: Then I'm not interested in 20

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1 years ago.
 2 Answer: That's what I'm talking about.
 3 A Um-hmm.
 4 Q That was your answer, wasn't it?
 5 A Right.
 6 Q Then, if you go down to line 14 on page
 7 61 -- do you see that --
 8 A Um-hmm.
 9 Q -- the question is: There are convictions
 10 on your record that are not yours?
 11 Do you see that question?
 12 A Yes.
 13 Q Then the answer was: Yes, there are.
 14 A Yes. But they're not -- yes, I know,
 15 exactly. But they're not mine.
 16 Q What are those convictions?
 17 A I have no idea. This is what I was
 18 saying. This -- basically, this was something that
 19 they said about theft, or something, and it had to
 20 do with the fire. And they weren't mine.
 21 Q All right. That's what I'm trying to get
 22 at. You believe that there -- that you have a
 23 criminal record for theft and you were not convicted
 24 of theft; is that what you're saying?
 25 A No. They were not my charges. That's

Page 27

1 what I'm saying.
 2 Q Did somebody tell you that you had a
 3 criminal record for theft?
 4 A No. When I was there for the attempted
 5 arson, they appeared on my record --
 6 Q I see.
 7 A -- and they were not my charges.
 8 Q So, when you were being interviewed by law
 9 enforcement reference the arson at Fairfax, someone
 10 showed you a criminal record, did they?
 11 A No. They told me that there was a charge
 12 of theft on my record for this fire. And it was not
 13 my charge.
 14 Q I see. Who told you that, a member of the
 15 Cincinnati Police Department?
 16 A That is correct.
 17 Q Did they give you any more information
 18 about where this theft offense allegedly occurred?
 19 A No. But it was not mine.
 20 Q Because you know you've never been
 21 convicted of theft?
 22 A I had never stole anything. That's what
 23 I'm saying. And the charge was not mine.
 24 Q Other than this aggravated -- attempted
 25 aggravated arson conviction, have you ever been

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1 convicted of any other criminal offense?
 2 A No.
 3 Q Now, let's talk about -- you know the
 4 difference between a civil suit and a criminal
 5 action, don't you, sir?
 6 A I think so.
 7 Q Civil suits generally are suits for money
 8 damages, criminal actions would be State of Ohio
 9 versus an individual --
 10 A Okay.
 11 Q -- where there is a charge that a criminal
 12 law was violated --
 13 A Okay.
 14 Q -- right? We've already talked about the
 15 criminal matters. What I'm asking you now is, have
 16 you ever been sued as a defendant? Have you ever
 17 been a defendant in a civil suit for money?
 18 A I can't remember. I can't recall.
 19 Q Let me see if I can refresh your
 20 recollection. Do you recall being sued by a John
 21 Willers, in 1994, for eviction?
 22 A Oh, yes.
 23 Q You remember that now?
 24 A Um-hmm.
 25 Q Yes?

Page 29

1 A Yes.

2 Q You need to -- you can't say uh-huh or

3 huh-uh.

4 A Yes.

5 Q That involved the premises at 126

6 Glenridge, Apartment D, didn't it, sir?

7 A Oh, I think so.

8 Q Right. Was John Willers your landlord

9 then?

10 A Yes.

11 Q Mr. Willers filed an eviction action

12 against you at that location, didn't he?

13 A Well, that -- basically, that involved me

14 moving into the house. I said that I was going to

15 be moving, but because of my aunt not leaving the

16 premises of the house, I told him I was going to

17 leave that month, and I stayed shortly more than

18 that month.

19 Q Right. But an eviction action was filed

20 by Mr. Willers against you and your wife,

21 Patricia --

22 A Right.

23 Q -- correct --

24 A Yes.

25 Q -- in the Hamilton County Municipal Court?

Page 30

1 A Right.

2 Q You know what a writ of restitution is,

3 don't you, sir --

4 A Yes.

5 Q -- from being involved -- well, you know

6 what one is? Wasn't it -- isn't it accurate that a

7 writ of restitution was issued against you in that

8 suit by Mr. Willers?

9 A I think so, yes.

10 Q Also, Mr. Willers obtained a judgment

11 against you for \$390; is that accurate?

12 A I think so.

13 Q Right. Was that \$390 for unpaid rent?

14 A Yes.

15 Q Subsequent to that, there were

16 garnishments filed against you, weren't there?

17 A Oh, I don't know about that.

18 Q Well, did you ever -- did you ever pay

19 Mr. Willers that \$390?

20 A I don't know if I have, or not.

21 Q So, you know there was a judgment taken

22 against you for the 390, but you don't know whether

23 you've ever paid it?

24 A Yes.

25 Q Yes, you don't know?

Page 31

1 A Yes, I do not know.

2 Q What about General Motors Acceptance

3 Corporation, did they ever file suit against you,

4 sir?

5 A No, they did not.

6 Q Do you remember being involved in a --

7 well, was there a suit filed by GMAC against

8 Patricia Curtis and Harry Curtis, in April of 1991?

9 A Oh, I don't know about that. That had to

10 do with my wife. I had nothing to do with that.

11 Q Did your -- was there some problem with

12 car payments, where either you or your wife fell

13 behind the payments to GMAC?

14 A I don't know about that, because I don't

15 handle that. I think my wife had some problems.

16 But I never handled that. I was just a cosigner on

17 that.

18 Q So, you were a cosigner on what?

19 A I think, a car.

20 Q A car?

21 A For her, yes.

22 Q Right. What car was that; do you

23 remember?

24 A I don't know.

25 Q Did she fall behind on payments to GMAC

Page 32

1 reference that car?

2 A Well, I don't know about that, because I

3 didn't handle those. I just found out that's what

4 she did. She decided to do that.

5 Q You just found out what?

6 A I mean, she decided to handle that. So, I

7 really am not familiar with that, at all.

8 Q But she asked you to cosign --

9 A Initial for it.

10 Q -- the promissory note?

11 A Well, when she got the car, the dealer

12 asked us both to sign on the car.

13 Q Which you did --

14 A Yes.

15 Q -- right? Then, did the loan go into

16 default?

17 A I don't think so. I think she got behind

18 a couple payments, or something like that. I think

19 that's what it was.

20 Q Then there was a lawsuit filed. You're

21 not disputing that, are you?

22 A I don't know about the lawsuit.

23 Q Don't know? Was the car picked up? Do

24 you remember that?

25 A No.

Page 33

1 Q It wasn't?

2 A No.

3 Q How was that issue resolved? Was GMAC

4 ever paid?

5 A I think it was, yes.

6 Q By who?

7 A Probably by her.

8 Q We're into the probables again.

9 A I think, by her. I'm not sure. But they

10 were paid.

11 Q Now, there have been some Tax Commission

12 judgments entered against you, also, haven't there

13 sir, some tax judgments?

14 A As far as what?

15 Q Do you remember, have there ever been tax

16 judgments entered against you?

17 A Yes, I think so.

18 Q Do you remember, in 1994, that there

19 was -- the State of Ohio filed a tax judgment

20 against you for \$2,265?

21 A Um-hmm.

22 Q Do you recall that?

23 A Yes.

24 Q Yes?

25 A Yes.

Page 34

1 Q What was that for? Was that for unpaid

2 taxes?

3 A Well, they said it was for unpaid taxes

4 for years past. But they are all paid.

5 Q Well, we'll get to that.

6 A Yeah.

7 Q So, when the judgment was put on, on

8 June 30th of 1994, what type of taxes were they?

9 A They were on the house taxes. They were

10 on -- I think they were for state taxes for

11 something or other. I don't know for what. I don't

12 know for what. I can't remember.

13 Q Are you saying they were real estate

14 taxes?

15 A No, they were state taxes either on

16 property or the -- on the property or for -- they

17 had made a mistake in my salary, or something like

18 that, and they said that I underpaid taxes and they

19 were charging the taxes.

20 Q So, were these income taxes?

21 A Yes, state taxes.

22 Q State income taxes?

23 A Yes.

24 Q That judgment was entered against you on

25 June 30th of 1994, for \$2,265; correct?

Page 35

1 A I think -- I think, yes.

2 Q Right?

3 A Yes.

4 Q That's what the public record shows.

5 A Yeah.

6 Q You're not disputing that, are you?

7 A No.

8 Q Then that was -- that judgment was paid

9 off October 10th of 1996, two plus years later;

10 correct?

11 A Right.

12 Q Now, were there two income tax -- or were

13 there two tax judgments, June 30th of 1994?

14 A Well, I think I actually paid the tax

15 twice. Because they came back the next year and

16 they said it was the same thing, so I ended up

17 paying them again.

18 Q Right. Because the public record

19 indicates that on June 30th, 1994, there were two

20 judgments entered in the identical amount,

21 \$2,265.76.

22 A Yeah, that's what I'm saying. I think I

23 actually paid it twice.

24 Q So, it was really one obligation of yours

25 for the income tax, but it went into their judgment

Page 36

1 books as two different judgments; right?

2 A I think so, right.

3 Q I do, too. Now, there was another

4 judgment lien, a Tax Commission lien, in July of

5 2000, against you, wasn't there?

6 A I think so.

7 Q That was for \$359.38?

8 A Um-hmm, I think so.

9 Q Yes?

10 A Yes.

11 Q Was that for tax, also?

12 A Yes.

13 Q What type of tax was that?

14 A I think that was also state taxes. And it

15 was paid.

16 Q It says, personal income tax account.

17 A Yeah, it was paid.

18 Q That was paid on March 31 of 2003, wasn't

19 it?

20 A Yes.

21 Q So, the judgment was entered July of 2000.

22 Does that sound right to you?

23 A I guess. I'm not sure about that.

24 Q If that's what the public record shows,

25 you wouldn't dispute that, would you?

Page 37

1 A I guess so, yes -- I mean, yes, if that's
2 what the record shows. I can't remember when it
3 was.
4 Q If that's what the record shows, you're
5 not going to say that's inaccurate, are you?
6 A I can't, you know.
7 Q So, the judgment was entered, according to
8 this, July of 2000, and for \$359 and change. And
9 then that wasn't paid until March 31 of 2003;
10 correct?
11 A I paid it, yes. I guess, um-hmm.
12 Q In March of 2003?
13 A I guess, yeah.
14 Q If that's what the record shows, you won't
15 dispute that, will you, sir?
16 A Not really, no.
17 Q Now, there was another tax judgment
18 entered on March 19th of 1992; correct?
19 A Um-hmm.
20 Q Yes?
21 A Yes.
22 Q You need to try not say uh-huh.
23 A Yes, I think. I think, yes.
24 Q That was also from the State of Ohio Tax
25 Commission, for \$1,935.17. Does that sound right to

Page 38

1 you?
2 A I think so.
3 Q Yes? What type of tax was that for?
4 A That was basically -- I think it was for
5 state tax, I think.
6 Q State income tax?
7 A Um-hmm.
8 Q Yes?
9 A Yes.
10 Q So, that judgment was entered in 1992.
11 And that wasn't -- that's been paid; right?
12 A Yes.
13 Q That wasn't paid until October 10th of
14 1996; correct?
15 A Right. I think so, if that's what the
16 record shows.
17 Q About four-and-a-half years later?
18 A Well, I paid on it a period of time.
19 Q Okay. But it was paid off by
20 October 10th -- it wasn't paid in full until
21 October 10th of '96; right?
22 A Yes.
23 (Defendants' Exhibit 2 marked
24 for identification.)
25 BY MR. LEWIS:

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1 Q Sir, I want to show you what's been marked
2 for identification as Defendants' Exhibit number 2.
3 These were written questions that we sent to your
4 counsel. You've seen these before, haven't you,
5 sir?
6 A I think so, yes.
7 Q Well, we asked you questions, and then
8 there were answers given. Then, if you look at the
9 last page of Exhibit 2, the very last page -- are
10 you with me?
11 A On 23?
12 Q The very last page.
13 A Oh.
14 Q It's got, Verification.
15 A Oh, the very last page. Yes.
16 Q Is that your signature?
17 A Yes, it is.
18 Q Were you put under oath by Mr. Schwantes,
19 when you signed these interrogatories, these
20 answers?
21 A Yes, I think so.
22 Q Well, were you in Mr. Schwantes' presence
23 when you signed this document?
24 A Yes.
25 Q These answers are true and correct, to the

Page 40

1 best of your knowledge and belief; correct?
2 A I'm pretty sure, yes, I --
3 Q Well, are they or aren't they?
4 A Yes, they should be. Yes.
5 Q I know they should be. But are they or
6 aren't they?
7 A I would say they are.
8 Q Did you read these answers before you
9 signed that verification page?
10 A At the time, I believe I did, yeah.
11 (Defendants' Exhibit 3 marked
12 for identification.)
13 MR. LEWIS: Just let me know when you're
14 ready.
15 THE WITNESS: Yes.
16 BY MR. SCHWANTES:
17 Q Sir, I want to show you what's been marked
18 for identification as Exhibit No. 3. Can you
19 identify that document?
20 A Yes.
21 Q Again we have a verification page attached
22 at the very end. Is that your signature?
23 A Yes, it is.
24 Q The answers that are in Exhibit 3, are
25 those true and correct, to the best of your

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1 knowledge and belief?
2 A I would say they are, yes.
3 Q Were you put under oath before you signed
4 that verification page?
5 A I can't remember that. I can't remember
6 whether I did, or was or wasn't.
7 Q How many verification pages did you sign
8 in front of Mr. Schwantes, for these
9 interrogatories?
10 A Oh, I can't remember. I can't remember.
11 Q So you're telling me, you can't remember
12 if with you were put under oath before you signed
13 this verification page?
14 A No, I can't.
15 Q This is the second set of interrogatories.
16 These are questions that were sent on behalf of my
17 client, Roseanne Christian. Do you see that?
18 A Um-hmm.
19 MR. BLESSING: Excuse me. I'm missing --
20 MR. LEWIS: Exhibit 3.
21 MR. BLESSING: It says, First Set. You
22 said the second set.
23 MR. LEWIS: Exhibit 3.
24 MR. BLESSING: Mine says, First Set.
25 MR. LEWIS: Right, First Set of

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1 Interrogatories --
2 MR. BLESSING: I thought you said second
3 set.
4 MR. LEWIS: -- on Behalf of Roseanne
5 Christian. Okay, if I misstated, I apologize.
6 I don't think I did, though.
7 BY MR. LEWIS:
8 Q This Exhibit 3 was sent -- this is a
9 different set -- these were sent on behalf of
10 Roseanne Christian. You with me?
11 A Um-hmm.
12 Q These aren't the same interrogatories as
13 Exhibit 2; right?
14 A Right.
15 Q Now, did you review these answers before
16 you signed that verification page?
17 A I'm pretty sure I did, yes.
18 Q Do you have some doubt about whether you
19 did, sir?
20 A I don't think so. I think I was asked to
21 read them.
22 Q Did you read them?
23 A Yes, I did. I'm pretty sure I did.
24 Q You're pretty sure you did?
25 A Yes, I am.

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1 Q How long did you spend -- where was
2 this -- where were these verification pages signed?
3 Were you in Mr. Schwantes' office?
4 A Oh, I can't remember that.
5 Q You can't remember?
6 A Huh-uh.
7 Q Were they sent to you for signature, to be
8 returned?
9 A I can't remember. I can't remember.
10 Q So, you can't remember whether you were in
11 Mr. Schwantes's presence when you signed that
12 verification page?
13 A No, I can't remember.
14 Q Can't recall?
15 A Huh-uh.
16 (Defendants' Exhibit 4 marked
17 for identification.)
18 BY MR. LEWIS:
19 Q Sir, I want to show you what's been marked
20 as Defendants' Exhibit No. 4. I'm going to
21 represent to you that these were the documents
22 provided by Mr. Blessing's office attached to
23 Exhibits 2 and 3. They are stamped, down at the
24 bottom, Bryant 692 through Bryant 716. Do you see
25 that?

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1 A Um-hmm.
2 Q Yes?
3 A Yes, I do.
4 Q Have you reviewed these documents?
5 A Yes, I have.
6 Q Were these the documents that were
7 attached to Exhibits 2 and 3 when you signed off on
8 those interrogatories?
9 A Yes, I think so. Yes.
10 Q They are referenced by number, in your
11 answers to interrogatories.
12 A Oh, I don't -- I don't know, as far as --
13 that's what I'm saying. I don't know by number.
14 Q You believe they were --
15 A All together.
16 Q -- all together? That's what I was
17 asking.
18 A Yes.
19 Q I forgot to ask you before. You indicated
20 you are living at a homeless shelter now?
21 A Yes.
22 Q Where exactly is that?
23 A That's in Mt. Airy.
24 Q What's the address?
25 A It's 2660 D-I-E-H-L Road.

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1 Q Are you currently employed?
 2 A No, I'm not.
 3 Q How long have you been living at that
 4 homeless shelter?
 5 A Oh, I've been there maybe two,
 6 two-and-a-half months.
 7 Q I don't think I asked you before. After
 8 Fairfax, after the Fairfax eviction --
 9 A Um-hmm.
 10 Q -- where did you live after that?
 11 A I lived at 3913 Vine Street.
 12 Q Forgive me. I'm not trying to just repeat
 13 myself for the sake of it. How long did you live at
 14 3913 Vine?
 15 A I'm not quite sure. It was several years,
 16 though.
 17 Q Then, did you have an address after 3913
 18 Vine?
 19 A No. I -- well, I stayed at my uncle's for
 20 a couple of months.
 21 Q Was that after you lived at Vine Street?
 22 A Yes.
 23 Q Why did you leave -- was 3913 Vine an
 24 apartment?
 25 A Yes.

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1 Q Why did you leave there?
 2 A Because that's when Patricia and I started
 3 having problems.
 4 Q So, she stayed and you left the Vine
 5 Street address?
 6 A Oh, we both left.
 7 Q Then you moved to your uncle's --
 8 A Yes.
 9 Q -- for a while --
 10 A Yes.
 11 Q -- temporarily?
 12 A Yes.
 13 Q Then how long did you stay with your
 14 uncle?
 15 A Oh, approximately, I guess, a couple
 16 months. Just about a couple months or so.
 17 Q When you left the Vine Street address,
 18 were you and Patricia current on your rent?
 19 A Yes, we were.
 20 Q Then, when you lived with your uncle, did
 21 you pay him any rent?
 22 A I gave him just a nominal fee of like
 23 50 -- something like \$50, or something, like, a
 24 week, or something like that.
 25 Q Then, after staying at your uncle's, where

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1 have you stayed?
 2 A I stayed down at the Gospel Mission
 3 downtown.
 4 Q How long did you stay at the Gospel
 5 Mission?
 6 A I stayed there about a month, about a
 7 month or so. About a month, maybe two.
 8 Q When you were living at your uncle's, were
 9 you employed?
 10 A Yes. I worked at a company called Labor
 11 Solutions. I was a driver there.
 12 Q When's the -- you're unemployed now?
 13 A Yes.
 14 Q When's the last time you were employed?
 15 A Oh, it's -- it's been a good -- oh, I
 16 would say, maybe three to four months. About three
 17 months or so.
 18 Q What was your last job?
 19 A That was it. I worked at Labor
 20 Solutions --
 21 Q Labor Solutions?
 22 A -- as a driver.
 23 Q Was that a full-time job?
 24 A Well, it was less than 30 hours, so it had
 25 to be -- I mean, less than 40 hours, so it would be

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1 considered a part-time job.
 2 Q Why'd you leave Labor Solutions?
 3 A Because I wanted to go ahead and enter
 4 these programs, enter programs.
 5 Q What type of programs are these?
 6 A Well, they are programs with the Veterans
 7 for homeless -- homeless and indigent veterans and
 8 people.
 9 Q Well, when you went -- what was the name
 10 of the shelter before the shelter you're in now?
 11 A Gospel Mission.
 12 Q Gospel Mission?
 13 A Um-hmm.
 14 Q So, are you saying you were indigent at
 15 the time you moved in there?
 16 A Yes.
 17 Q But you had just left a job; right?
 18 A Well, no. What it was is, they were
 19 homeless people. They were for homeless people.
 20 And I paid them \$10 a week to live there.
 21 Q Well, if you were working, was there some
 22 reason that you couldn't find a residence and pay
 23 rent?
 24 A Well, no, not that. It's that I -- I got
 25 that job while I was homeless. I didn't work long

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1 enough to really acquire enough money to go ahead
2 and do that. I didn't work that long. I only
3 worked there a couple months.

4 Q So you left that job voluntarily?

5 A I left there to go to get involved with
6 the VA. I was trying to -- I got ill. I also was
7 supposed to go and get a hernia operation. There
8 were some things that wouldn't allow me to work.

9 Q What is that? Is there some reason that
10 you can't work?

11 A Yeah -- no -- well, I was involved with a
12 hernia operation, and I just had some matters that I
13 had to get straight because of my going through my
14 divorce and stuff like that.

15 Q I want to talk to you now about this
16 lawsuit and how this lawsuit came to be filed
17 against my clients.

18 Tell me how you first met either
19 Mr. Schwantes or Mr. Blessing.

20 A I met them when we were going through
21 matters of -- well, I don't know if, in fact -- I'm
22 not sure about this now -- we were involved in
23 another case, I think. And I ended up as a witness
24 because of some things that they felt were similar
25 with another case and my case, and they came to my

1 record, this has already been testified to in a
2 prior deposition, the deposition Mr. Curtis
3 gave in Bigelow versus Burbrink. That
4 deposition transcript of the testimony has
5 already been given. So, I'm going to ask him
6 the question again. There was no -- well, the
7 testimony has already been given, it's a matter
8 of record. Do you want to talk to him a
9 minute?

10 MR. BLESSING: No.

11 MR. LEWIS: You're instructing him not to
12 answer?

13 MR. BLESSING: I'm instructing him not to
14 answer.

15 BY MR. LEWIS:

16 Q Do you remember, sir, in your prior
17 deposition, being asked questions about how
18 Mr. Schwantes contacted you and what was said? Do
19 you remember those questions?

20 A No, I don't. I'm not saying they don't
21 exist, but I don't remember them. That was some
22 time ago. I don't remember.

23 Q You were represented by counsel then, at
24 that deposition, weren't you, sir?

25 A Yes, I was.

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1 home.

2 Q Right. Mr. Schwantes called you up one
3 day, didn't he?

4 A Um-hmm.

5 Q Yes?

6 A Yes.

7 Q You had never met him or you hadn't known
8 him before then, had you?

9 A No, I did not.

10 Q You hadn't called Mr. Blessing's office or
11 Mr. Schwantes before you got that call from them,
12 had you?

13 A Well, no, I hadn't. But I did -- I did
14 want to involve myself in a -- some type of suit or
15 something against Mr. Bigelow. I just didn't know
16 how to go about it.

17 Q (CQ) All right. Well, we'll get to that.
18 But what I'm asking now is about this first contact.
19 Mr. Schwantes called you up and he said he wanted to
20 talk to you about Mr. Bigelow, didn't he?

21 MR. BLESSING: Objection. That's attorney
22 work product. And I instruct you not to answer
23 the question about what Mr. Schwantes said to
24 you or what you said to him.

25 MR. LEWIS: Okay. Well, just for the

1 MR. LEWIS: Well, you've already
2 instructed him not to answer. Are you willing
3 to waive the formalities of having the court
4 reporter tell him to answer the question?

5 MR. BLESSING: Certainly.

6 MR. LEWIS: I'm going to need that
7 question certified in court. Just for the
8 record, that prior deposition testimony is on
9 page 31 of that transcript, where those
10 questions were asked, and there was no
11 objection.

12 BY MR. LEWIS:

13 Q So, Mr. Schwantes then came out to your
14 residence, didn't he, sir?

15 A That is correct.

16 Q That's the first time that you had met
17 him?

18 A Yes.

19 Q Right?

20 A Um-hmm.

21 Q Now, at the time that you had contact with
22 Roseanne Christian and Mr. Bigelow, the Fairfax
23 property was in foreclosure; correct?

24 A What I found is that we were behind in
25 taxes. We were behind in taxes.

Page 53

1 Q There was a foreclosure action pending,
 2 wasn't there, sir?

3 A Well, I had received things from
 4 foreclosure, yeah. But I knew I was behind in
 5 taxes.

6 Q Well, didn't you know that there was a
 7 foreclosure suit pending in the Hamilton County
 8 Court in 1999?

9 A Well, I --

10 MR. BLESSING: Excuse me. Are you asking
 11 him if he knew that in '99, or --

12 MR. LEWIS: Right.

13 MR. BLESSING: -- he knew that at some
 14 other time?

15 BY MR. LEWIS:

16 Q I'm asking him, in 1999, when you first
 17 met Roseanne Christian, when she came to your
 18 house -- you with me?

19 A I --

20 Q Let me finish my question. 1999, was
 21 there a foreclosure action pending against you
 22 reference unpaid taxes at Fairfax?

23 A Yeah. I knew I was behind in taxes. I
 24 wasn't quite sure if I had a foreclosure pending, or
 25 not.

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1 Q Well, that wasn't the first foreclosure
 2 action that had been filed against you with
 3 reference Fairfax, was it, sir?

4 A No. But I had paid the other taxes.
 5 Yeah, I paid those taxes.

6 (Defendants' Exhibit 5 marked
 7 for identification.)

8 BY MR. LEWIS:

9 Q Sir, I'm showing you what's been marked as
 10 Exhibit No. 5. Can you identify that?

11 A I'm not sure about this. I think this was
 12 the -- I'm not sure about this one. I -- I do
 13 remember that there was -- and we paid taxes -- we
 14 paid money on one.

15 Q Well, do you remember that there was a
 16 lawsuit filed in 1998 -- you see your name on
 17 Exhibit 5 as a defendant? Did you see that, Harry
 18 Curtis --

19 A Right.

20 Q -- down there, name number three?

21 A Right.

22 Q This complaint's alleging that the taxes
 23 were delinquent and unpaid; correct?

24 A Yes, that's what it says.

25 Q Does this refresh your recollection about

Page 55

1 whether or not there was a foreclosure action filed
 2 against you in 1998, reference taxes at Fairfax?

3 A Well, I don't know if it was a foreclosure
 4 action, or not. I just knew that we were behind on
 5 the taxes. And I went down and paid money on the
 6 taxes.

7 Q So, you're not disputing that there was a
 8 lawsuit filed and you're not disputing that you were
 9 behind in taxes --

10 A Yes.

11 Q -- right?

12 A Yes.

13 Q As of the date of this filing -- this
 14 appears this was filed, looks like -- well, sometime
 15 in 1998 -- it alleges that \$3,299.81 in real estate
 16 taxes were due, in paragraph 2. Do you see that?

17 A Yes.

18 Q Is that accurate?

19 A I guess so.

20 Q Well, let's please not get into --

21 A I would say it is.

22 Q You don't dispute that, do you, sir?

23 A No.

24 Q So, what happened? Once this delinquency
 25 arose, then what did you do to resolve this problem?

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1 A I'm pretty sure -- I'm pretty sure we went
 2 down and paid some money on the taxes. I'm not
 3 sure. I know we did at one time. I don't know if
 4 this is it, or not.

5 Q So you don't know what the resolution of
 6 this lawsuit was in 1998?

7 A No.

8 Q Did you go to court?

9 A No.

10 Q Did you hire a lawyer?

11 A No.

12 Q But you don't know if you got the taxes
 13 current --

14 A I --

15 Q -- let me finish, okay? You don't know if
 16 you got the taxes current after this complaint was
 17 filed?

18 A I don't know.

19 Q Were you working in 1998?

20 A I'm pretty sure I was. I think I was.

21 Q Where were you working in 1998?

22 A If I was working, I was working as --
 23 either at the Post Office -- I don't know. I can't
 24 say. I can't remember.

25 Q Did you have a source of income in 1998?

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1 A I'm trying to remember. I'm pretty sure I
 2 worked either part-time or temporary service, or
 3 something like that. I'm not sure.
 4 Q What do you believe your gross income was
 5 for 1998?
 6 A It was minimum. It was minimum.
 7 Q Did you file a tax return for 1998?
 8 A I'm pretty sure I did.
 9 Q Do you still have copies of your tax
 10 returns?
 11 A Oh, all those things were put in the file.
 12 I'm pretty sure I do, though. I'm pretty sure. I'm
 13 not -- I'm not no -- I'm not sure if I do have them
 14 or not, because we've been moved around quite a bit.
 15 Q Who would have prepared your tax return in
 16 1998?
 17 A Probably I did.
 18 Q So, you don't know if you still have it,
 19 or not?
 20 A I don't know if I still have it, or not.
 21 MR. LEWIS: Again, I'll make a written
 22 request to your attorney. I'm interested in
 23 your tax returns for 1998 and 1999, if you can
 24 locate them.
 25 THE WITNESS: Okay.

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1 MR. LEWIS: Please don't dispose of them.
 2 And we'll make a written request to your
 3 lawyer.
 4 THE WITNESS: I wouldn't do that.
 5 MR. LEWIS: All right?
 6 THE WITNESS: Sure.
 7 BY MR. LEWIS:
 8 Q What about Patricia, was she working in
 9 1998 and 1999?
 10 A Yes.
 11 Q Where was she working?
 12 A She was working for a company called
 13 Amano -- well, it was Cincinnati Time. Then it was
 14 sold to a company and it was called Amano
 15 Cincinnati.
 16 Q A what?
 17 A Amano Cincinnati.
 18 Q Approximately, what was her gross income
 19 for 1998, do you believe?
 20 A I don't know. I guess, between 15 and --
 21 between 15 and \$20,000, I guess. I don't -- I'm not
 22 quite sure.
 23 Q Well, why did the real estate -- why
 24 weren't the real estate taxes paid in 1998?
 25 A Well, she had several other obligations

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1 for -- she had other properties and other things
 2 that she had to pay. So, basically -- I think this
 3 is when we had just gotten the property, too, we had
 4 just inherited it from her grandmother.
 5 Q Well, actually, you inherited it from your
 6 grandmother in 1975, didn't you, sir?
 7 A No, I inherited it from my mother in 1975.
 8 My grandmother had a life estate, so she was still
 9 there.
 10 Q Well, that's right. You inherited it from
 11 your grandmother -- or, your mother, in 1975. Title
 12 passed to you in '75 --
 13 A In '75.
 14 Q -- is that right?
 15 A Yes. But my grandmother was living, had a
 16 life estate there, and she was responsible for those
 17 things while she stayed there.
 18 Q Okay. Well -- but your grandma passed
 19 away in '84, didn't she?
 20 A I can't remember. I think so.
 21 Q Does that sound about right to you?
 22 A I think -- I don't know.
 23 Q But let's get back to the taxes now. So,
 24 the reason that the real estate taxes weren't paid
 25 in '98 and '99 was, you and your wife didn't have

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1 enough money to cover the taxes; is that correct?
 2 A That's correct.
 3 MR. BLESSING: Could we take about a
 4 two-minute break?
 5 MR. LEWIS: Sure.
 6 (Brief recess taken.)
 7 MR. LEWIS: Back on the record.
 8 BY MR. LEWIS:
 9 Q Mr. Curtis, a couple of more questions
 10 about your current status. You indicated you're at
 11 a homeless shelter and you referred to some programs
 12 that you're involved in?
 13 A Yes.
 14 Q Yes?
 15 A Yes.
 16 Q Tell me how you spend your -- a typical
 17 day. What do you do?
 18 A Well, I usually go to the VA and attend
 19 these programs for alcohol abuse and substance
 20 abuse. And I've gotten into these programs and I've
 21 been involving myself with them.
 22 Q So, you're being treated for alcohol and
 23 substance abuse?
 24 A Yes.
 25 Q How long have you had an alcohol abuse

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1 problem?
2 A These things didn't occur until after the
3 problems with the property.
4 Q After Fairfax?
5 A Yes.
6 Q Had you ever been treated for alcohol
7 abuse, prior to being evicted from the Fairfax
8 premises?
9 A No.
10 Q What about drug abuse, had you ever
11 been --
12 A No.
13 Q You hadn't been treated for drug abuse --
14 A No.
15 Q -- before the eviction?
16 A No.
17 Q So, your -- and you receive medical
18 treatment at the Veterans for these problems, do
19 you?
20 A Yes.
21 Q Had you received medical treatment at the
22 Veterans, before you sought the treatment for the
23 alcohol and drug abuse?
24 A No, not other than -- I cannot say that.
25 No, I -- a cold -- maybe I went there for a cold or

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1 some kind of medication like that, for a cold or
2 sinus, you know, flu, something like that.
3 Q Where'd you get your routine medical care
4 prior to 1999?
5 A That's what I'm saying. I basically went
6 there for colds or something like that.
7 Q So, routine medical care, before '99, you
8 got at the Veterans?
9 A There, and also we had a -- I had my own
10 physician.
11 Q Who was that physician?
12 A It was just a primary care through -- at
13 that time, I was going -- dealing with my -- my
14 wife -- I mean, it was my wife's insurance. So, I
15 think I had -- I really didn't attend -- I really
16 didn't go to the hospital that much, so I can't
17 remember who it was. I just had a primary care I
18 had, like, for, oh, ankle sprains or something like
19 that. But --
20 Q What's that doctor's name? Who was your
21 doctor?
22 A I can't remember. I can't remember,
23 because I never really attended it -- went to him
24 that much.
25 Q How long have you been going to the VA for

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1 medical care?
2 A I would say, for the last -- intensively,
3 for the last six months or so. I would say, for the
4 last six months or so.
5 Q I'm not asking about the intensity part.
6 Did you get medical care at the VA before 19 --
7 A Oh, yeah. Yeah.
8 Q -- before 1999?
9 A Yeah. But I just -- I went there for
10 sprains, you know, ankle injuries, something like
11 that.
12 Q That's what I want to know.
13 A Yeah, I started going to the VA, because I
14 realized I was a Veteran --
15 Q Right.
16 A -- and I could get those services.
17 Q When did you start getting medical
18 services at the VA? And I'm including the ankle
19 sprains and pulls --
20 A Well, that's what I'm saying, I can't
21 remember.
22 Q Can you just ballpark it for me?
23 A It's been a couple years. Two or three
24 years, I would say. Two or three years, at least.
25 Q Before you lived on Fairfax?

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1 A No. No, I started getting services from
2 the VA while I was living there. But that was, like
3 I said, ankle sprains, things like that.
4 Q The drug abuse, what drug are you being
5 treated for?
6 A I was being treated for cocaine abuse.
7 Q How long had you been using cocaine?
8 A I hadn't really gotten involved with
9 anything like that, except for a period after --
10 after -- after Fairfax. And I really started
11 getting involved while I was going through
12 separation with my wife and other things.
13 Q So, you started using cocaine after you
14 separated from your wife?
15 A No, as a result of the problems that
16 evolved going through the separation and, you know,
17 going through the property and everything.
18 Q So, how long had you been using the
19 cocaine?
20 A I'd say, less than these last six months.
21 Less than the last six months.
22 Q Within the last six months, you started
23 using cocaine?
24 A Yeah. But I had a problem with alcohol, I
25 would say -- well, maybe a year. I'll say a year.

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1 Q What, for using cocaine?
 2 A Maybe a year.
 3 Q Uh-huh. How long do you think you've had
 4 an alcohol problem?
 5 A I started having problems with alcohol
 6 while -- after the property. After the property, I
 7 was drinking. But, I mean, within the last --
 8 within the last year, maybe two, it started
 9 escalating.
 10 Q Was there ever a situation where you
 11 were -- you had been drinking and had a physical
 12 altercation with your wife?
 13 A I pushed my wife one time.
 14 Q Right. She filed a domestic violence
 15 charge against you, didn't she?
 16 A I don't know if she did, or not.
 17 Q You don't remember?
 18 A Huh-uh.
 19 Q Do you remember -- have you ever been
 20 arrested for domestic violence?
 21 A No.
 22 Q You weren't taken into custody by the
 23 police on a domestic violence charge?
 24 A Not that I remember.
 25 MR. LEWIS: All right. Give me a minute.

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1 I'll be right back.
 2 (Brief recess taken.)
 3 MR. LEWIS: Back on the record.
 4 BY MR. LEWIS:
 5 Q Sir, do you remember an incident on
 6 December 31st of 2002, involving you and Patricia?
 7 A Yeah, I pushed her.
 8 Q You pushed her?
 9 A Um-hmm.
 10 Q She filed a petition for domestic violence
 11 against you, didn't she?
 12 A I didn't know if she had, or not.
 13 Q You didn't?
 14 A No.
 15 Q Did you go to court?
 16 A No, I did not.
 17 Q Were you drinking as a result -- is that
 18 why you pushed her? Were you under the influence
 19 when that occurred?
 20 A No. I was under medication, and we were
 21 going through some things about her having a man in
 22 the house.
 23 Q When you've been buying this cocaine in
 24 the last six months, where were you getting the
 25 money for it?

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1 A I was working. I was working.
 2 Q How much were you spending a day for your
 3 cocaine habit?
 4 A Oh, I wasn't doing it on a daily basis.
 5 Q Well, how much were you spending a week?
 6 A I don't know. I guess, a hundred bucks,
 7 two hundred bucks.
 8 (Defendants' Exhibit 6 marked
 9 for identification.)
 10 BY MR. LEWIS:
 11 Q Sir, I want to show you what has been
 12 marked for identification as Exhibit 6. Have you
 13 seen this before?
 14 A No, I don't know if I have, or not. I
 15 can't remember this.
 16 Q Well, I'm going to represent to you, this
 17 was a foreclosure complaint that was filed in 1999.
 18 You see, in paragraph 2, it states that -- you see
 19 you're a defendant here, don't you?
 20 A Yes, I do.
 21 Q See that? It says that, as of the filing
 22 of this complaint, that taxes were owed, 4,275.96.
 23 Do you see that in paragraph 2? Is that accurate?
 24 A I guess I see it here, yes.
 25 Q Well, do you have any reason to doubt

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1 that, sir?
 2 A I see it here. I wouldn't doubt it.
 3 Q Then, this is the foreclosure complaint
 4 that was pending at the time that you had the
 5 dealings with Ms. Christian and Mr. Bigelow; is that
 6 accurate?
 7 A I don't know if it was, or not. I would
 8 assume that's what it was.
 9 Q You knew your property was in foreclosure,
 10 didn't you, sir, when you had the transaction with
 11 Mr. Bigelow?
 12 A I knew that we were behind in our taxes.
 13 I didn't -- wasn't informed, until Roseanne came to
 14 me and told me it was a foreclosure. I knew we were
 15 behind in taxes. I knew we had tax problems.
 16 Q Exhibit 6, had you been served with a copy
 17 of this complaint, sir, before you met Roseanne
 18 Christian?
 19 A I hadn't been served anything then, to my
 20 knowledge. I hadn't seen anything. I knew that we
 21 were behind in taxes. We had received a letter from
 22 the City saying that we owed taxes.
 23 Q Well, it actually would have been from the
 24 County, right --
 25 A Yeah, I --

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1 Q -- a letter from the County? How many
 2 letters from the County did you receive about these
 3 tax problems?
 4 A Oh, I can't remember.
 5 Q Was it more than a couple?
 6 A I don't know. I don't remember that, at
 7 all. I don't remember that, at all.
 8 Q You don't remember how many?
 9 A No.
 10 Q But you knew --
 11 A I knew I received -- but I don't think it
 12 was in this form. It was just a --
 13 Q A letter?
 14 A Yeah.
 15 Q The letter said you owed taxes?
 16 A Right.
 17 Q What did you do about it, after you got
 18 that letter?
 19 A Well, I just hadn't done anything at the
 20 time.
 21 Q So, are you telling me that the first time
 22 you became aware that there was a foreclosure
 23 proceeding pending was when Roseanne Christian told
 24 you?
 25 A That's what I thought. I knew we were

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1 behind in taxes, but I can't -- I can't say that --
 2 I can't say whether I -- because I don't really
 3 know. Like I said, I knew that we were behind in
 4 taxes.
 5 Q But you don't recall how you first found
 6 out there was a foreclosure action pending?
 7 A No.
 8 Q Did you know -- when you first met
 9 Roseanne Christian, did you understand that if you
 10 didn't take care of this tax problem, that your
 11 property could be sold?
 12 A Well, that was my understanding from what
 13 she said, yes.
 14 Q You didn't have that understanding before
 15 Roseanne Christian told you that; is that what
 16 you're saying?
 17 A No, I didn't, not under those -- I mean,
 18 not for that amount of money, no.
 19 Q This Exhibit 6 says it was filed -- down
 20 at the bottom, you see the file stamp --
 21 A Um-hmm.
 22 Q -- July 30th of 1999? Do you see that?
 23 A Yes.
 24 Q Did you get a copy of this served at your
 25 home, before you met with Roseanne Christian?

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1 A No, I never got anything served to me.
 2 That's what I'm saying. Not that I know of.
 3 Q This Exhibit 6, is this the first time
 4 you've seen this document today?
 5 A No. But I -- I -- I saw it when -- she
 6 came, I think she had a copy of it, or something
 7 like that. But I don't remember seeing it or
 8 actually having it sent to me.
 9 Q How long a period of time, before
 10 July 30th of 1999, do you think it was when you were
 11 getting this letter or letters from the County?
 12 A I can't recall. I -- I -- I cannot
 13 recall. I was -- I can't recall.
 14 Q Well, do you believe it was months prior?
 15 A I can't say.
 16 (Defendants' Exhibit 7 marked
 17 for identification.)
 18 BY MR. LEWIS:
 19 Q Sir, you have in front of you Defendants'
 20 Exhibit 7. Do you recognize that property?
 21 A Um-hmm.
 22 Q Yes?
 23 A Yes.
 24 Q That's 1966 Fairfax, isn't it?
 25 A Yes.

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1 Q I'm going to represent to you that that's
 2 a photo that's on the Hamilton County Auditor's
 3 website.
 4 A I wouldn't know that.
 5 Q Well, I'm telling you it is --
 6 A Okay.
 7 Q -- because it is.
 8 A Well, I would have no idea.
 9 Q According to their records, that photo was
 10 taken November 18th of 1993.
 11 A Okay.
 12 Q All right? Now, does that -- is that a
 13 fair and accurate representation of how the property
 14 looked November 18th of 1993?
 15 A Well, that's only one side of it, so I
 16 can't really say.
 17 Q Well, let's just talk about that side.
 18 Okay?
 19 A Um-hmm.
 20 Q Is that a fair and accurate representation
 21 of how that side looked on November 18th, 1993?
 22 A I guess.
 23 Q Well --
 24 A I guess.
 25 Q I mean, is that the front of the house, or

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1 not, sir?

2 A Yes.

3 Q All right.

4 A Well, it's not the front of the house,

5 it's the side of the house.

6 Q Okay. Whatever it is, that's the house?

7 A Right.

8 Q That's a picture of 1966 Fairfax, isn't

9 it?

10 A Um-hmm.

11 Q But it's not a picture of the whole thing?

12 A Right.

13 Q All right. Now, did you -- after you

14 moved in -- you were living there by 1993, weren't

15 you, sir? Actually, you weren't. You moved in

16 about 1994; right?

17 A I think so.

18 Q Okay.

19 A I can't remember.

20 Q After you moved in, just assuming it was

21 about 1994, for purposes of this question --

22 A Right.

23 Q -- whenever it was, did you and your wife

24 make any improvements to the property?

25 A Well, we -- I think we did some painting

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1 inside and we changed the refrigerators. We, you

2 know, cleaned up the grass and cut the yard and all

3 that kind of stuff.

4 Q I'm talking about improvements to the

5 structure of the home. Remodeling -- did you do any

6 remodeling?

7 A No, not really.

8 Q You remember painting?

9 A Yes.

10 Q Did you do anything else, in terms of

11 improvements to the property? I don't mean

12 maintenance like cutting the grass.

13 A Um-hmm.

14 Q Any other improvements other than

15 painting?

16 A Not really -- oh, yeah, we put a new water

17 heater -- there was a new water heater put in,

18 right.

19 Q So, you replaced the water heater --

20 A Right.

21 Q -- and painted?

22 A Right.

23 Q Anything else?

24 A Not that I can remember.

25 Q Now, I'm talking about from the time that

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1 you moved in until the time that you were evicted.

2 A I can't say. I cannot say.

3 Q I want to talk to you now about how you

4 got the house and how you got title. Your mom's

5 name was Betty Lou Pringle; correct?

6 A That is correct.

7 Q She owned this home?

8 A That is correct.

9 Q She died October 16th of 1975; does that

10 sound right to you?

11 A I would -- yes, I think so, yes.

12 Q Okay. When she passed away, she was

13 living at 1966 Fairfax, wasn't she?

14 A Well, yes. She was at the hospital. But

15 she had been at the hospital -- but, yes, that

16 was --

17 Q That was her residence address?

18 A Yes.

19 (Defendants' Exhibit 8 marked

20 for identification.)

21 BY MR. LEWIS:

22 Q Mr. Curtis, you have Exhibit 8 in front of

23 you. Do you see that?

24 A Um-hmm.

25 Q Yes? Try to remember to do the yes and no

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1 instead of uh-huh.

2 A Yes.

3 Q Now, this is a Certificate of Transfer

4 that's been filed with the Hamilton County Courts.

5 And it indicates that Betty Lou Pringle died on

6 October 16th, 1975. Do you see that?

7 A Um-hmm.

8 Q Yes?

9 A Yes. Yes.

10 Q At the time she passed away, Viola

11 Pringle, her mother, was still alive; right?

12 A Yes.

13 Q That was your grandmother?

14 A Yes.

15 Q Now -- so you -- is it your understanding

16 that this certificate of transfer -- I know you're

17 not a lawyer. I'm not asking you for legal

18 conclusions. But is it your understanding that when

19 the certificate of transfer was filed, that you

20 became the owner of this property?

21 A No. My understanding is that my

22 grandmother was in charge of the property and I

23 wouldn't get ownership until she passed.

24 Q Well, do you know what a life estate

25 means? Anybody ever talk to you about that?

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1 A No. No.
 2 Q Do you know what a remainder interest was?
 3 A No.
 4 Q Wasn't it your understanding that your
 5 grandmother would be allowed to live in the property
 6 until she passed away?
 7 A I understood that.
 8 Q You understood that?
 9 A Yes.
 10 Q Is that what happened? Did your grandma
 11 live in the property until she passed away?
 12 A Yes, she did.
 13 (Defendants' Exhibit 9 marked
 14 for identification.)
 15 BY MR. LEWIS:
 16 Q Sir, I want to show you what's been marked
 17 for identification as Exhibit No. 9. You see your
 18 signature there?
 19 A Yes.
 20 Q Did you sign this document?
 21 A Yes, I did.
 22 Q This document says that Viola Pringle, who
 23 held a life estate -- I'm down at about paragraph 3
 24 here. You with me? Viola Pringle, who held a life
 25 estate in said property, died on September 14th,

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1 1994. Do you see that?
 2 A Um-hmm.
 3 Q Yes?
 4 A Yes.
 5 Q Is that accurate?
 6 A I would assume it is, yes.
 7 Q You have no reason to doubt that date, do
 8 you, sir?
 9 A Right.
 10 Q As a matter of fact, this is an affidavit
 11 that you signed --
 12 A Right.
 13 Q -- certifying that; right? So, your
 14 grandma passed away -- I'm sorry, your grandmother
 15 passed away September 14th of 1994 --
 16 A Okay.
 17 Q -- right? Now, does that date correspond
 18 to approximately when you and Patricia moved into
 19 Fairfax Avenue?
 20 A No. My aunt was living there, also.
 21 Q Okay. What's her name?
 22 A Her name is Katherine Thomas.
 23 Q Katherine with a K?
 24 A Um-hmm. She was living there and taking
 25 care of my grandmother and everything.

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1 Q So, your grandmother and Katherine were
 2 living there together when your grandmother passed
 3 away?
 4 A Right.
 5 Q Now, how long did Katherine Thomas live
 6 there, after your grandmother passed away?
 7 A Oh -- oh, I guess it was about -- I guess,
 8 I would say, maybe a month or two. Maybe a month or
 9 two. I --
 10 Q That guessing stuff --
 11 A I would say, around that time or -- I'm
 12 not sure.
 13 Q Approximately a month or two?
 14 A I would say. I'm not sure.
 15 Q Then, after Katherine moved out, did you
 16 and Patricia move in?
 17 A Yes.
 18 Q So, do you believe that you and Patricia
 19 would have moved in sometime in late fall --
 20 A Late '94 --
 21 Q Late '94?
 22 A -- early '95, right.
 23 Q Right. Okay. At the time that you moved
 24 in, there wasn't any mortgage on the house, was
 25 there?

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1 A No.
 2 Q There hadn't been -- how long had it been
 3 since any mortgage payments had to have been made on
 4 the home?
 5 A I'm not quite sure. But I know the house
 6 was paid for.
 7 Q Free and clear?
 8 A Yes.
 9 Q Before you and Patricia moved in, who had
 10 been making the payments for the real estate taxes?
 11 A My grandmother and my aunt.
 12 Q Now, when your mom passed away in 1975 --
 13 A Um-hmm.
 14 Q -- there was a probate estate, wasn't
 15 there? There was some probate court proceedings?
 16 A Yes, I think so. Yes.
 17 Q At that point -- did your mom have a will?
 18 A Yes, she did.
 19 Q Who were the beneficiaries in that will?
 20 Who inherited her property?
 21 A I was. I think I got the -- my
 22 grandmother got, I think -- now, I'm not sure about
 23 this -- I'm not quite sure, but I -- she got life
 24 estate. And then I got the remainder. I think
 25 that's the way it was.

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1 Q Did anybody else inherit property from
 2 your mom's estate, other than you and your
 3 grandmother?
 4 A Not that I can remember.
 5 Q You got the house; right?
 6 A Well, I got -- my grandmother got life
 7 estate.
 8 Q Yeah, we've already talked about that.
 9 And I'm not talking about the legal niceties here.
 10 In terms of what you got from the estate, you
 11 inherited the house?
 12 MR. BLESSING: Haven't we covered that?
 13 MR. LEWIS: Well, we're going to -- yeah.
 14 A Well, basically, that -- the arrangement
 15 was, my grandmother had life estate.
 16 Q We've covered that. That's not what I'm
 17 asking you.
 18 A Well, that -- but that's what the
 19 arrangement was.
 20 Q Other than the house, did you get any
 21 other assets from your mom's probate estate?
 22 A No, just a car, her car.
 23 Q Her car?
 24 A Um-hmm.
 25 Q Yes?

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1 A Yes.
 2 Q How much was that worth, approximately?
 3 A I don't know. It was a older car.
 4 Q Did you sell it?
 5 A No.
 6 Q Did you use it?
 7 A Yes.
 8 Q So, you inherited the house and a car.
 9 Anything else?
 10 A No, that -- not that I know of, other than
 11 the property inside. There was a lot of property
 12 inside the house.
 13 Q Now, there was an attorney for the estate,
 14 wasn't there?
 15 A Yes, there was.
 16 Q Steve Kurlansky --
 17 A Yes.
 18 Q -- do you remember that name?
 19 A I think so, yes.
 20 Q Who hired Mr. Kurlansky? Did you?
 21 A No. No, my mother -- that was my mother's
 22 attorney.
 23 Q Mr. Kurlansky charged some fees, didn't
 24 he, for doing some probate work?
 25 A Well, he really didn't probate the will, I

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1 did. I took it down there and transferred it. So,
 2 he charged fees for things that he didn't do. I
 3 didn't -- no, he didn't get those fees, because he
 4 didn't do the work. I did the work. I went down
 5 and probated the will and everything.
 6 Q Right. But you recall, don't you, that
 7 the probate court approved payment to Mr. Kurlansky
 8 of \$350 for his services?
 9 A I don't know anything about that.
 10 (Defendants' Exhibit 10 marked
 11 for identification.)
 12 BY MR. LEWIS:
 13 Q Sir, I've shown you Exhibit No. 10. This
 14 is a fax from Steve Kurlansky to John Meckstroth,
 15 dated August 19th, 1999. Do you see that?
 16 A Yes. I have no idea about this.
 17 Q You've never seen this document before?
 18 A No, I have not.
 19 Q It says in this fax, at line 3, Hereto is
 20 a copy of the order allowing attorneys fees from
 21 January 29th, 1979. Both Mr. Curtis and his aunt
 22 Katherine Thomas ignored requests for payment of
 23 this modest allowed fee. However, this fee accrued
 24 20 years of interest at the rate of \$35 per year for
 25 a total of \$700.00 in interest for a total due of

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1 \$1,050.00. Do you see that?
 2 A Yes. But I have no idea about it. And,
 3 first and foremost, this had nothing to do with me.
 4 I did not agree with it. I had nothing -- no
 5 knowledge of it, whatsoever.
 6 Q Well, he's saying in here that you and
 7 Aunt Katherine ignored requests for payment.
 8 A Well, he --
 9 Q Let me finish, okay? He's saying that you
 10 and Aunt Katherine ignored requests for fees. Is
 11 that true, or not?
 12 A Well, no, it's not.
 13 MR. BLESSING: Excuse me. Objection as to
 14 form. You may answer.
 15 A Yes. I never knew anything about it. He
 16 never asked me for anything. The real reason behind
 17 this is that I already showed him that -- he gave
 18 me a -- this was for a will that -- after my mother
 19 had already probated a will. And I already had
 20 title to the property. He took the title and never
 21 returned it to me. I know nothing about this and I
 22 have no idea what this was about.
 23 Q So, you're saying that statement's
 24 inaccurate?
 25 A I had -- I don't know anything about it.

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1 Q That you didn't ignore his requests for
 2 payments?
 3 A I never -- I never got a request from him.
 4 Q Well, that \$350 was paid to Mr. Kurlansky
 5 when you closed on the Fairfax property, wasn't it?
 6 A I have no idea. I have no idea. I
 7 thought that -- I was told by the other lawyer that
 8 the \$15.80 was paid.
 9 Q So, you don't know whether the \$350 --
 10 A No --
 11 Q -- let me finish. We cannot talk at the
 12 same time. Okay?
 13 A Okay.
 14 Q You don't know whether the \$350 was paid
 15 to Mr. Kurlansky at the settlement of the Fairfax
 16 property?
 17 A The lawyer told me he paid \$15.18, I
 18 think.
 19 Q Do you know whether the \$350 was paid to
 20 Mr. Kurlansky at the closing of the Fairfax
 21 property?
 22 A No, he paid the \$15.18.
 23 Q You're saying it wasn't paid to
 24 Mr. Kurlansky?
 25 A I don't know. The amount that was paid

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1 was the \$15.18.
 2 Q And 350 was not paid?
 3 A \$350 was not owed. He paid him \$15.18.
 4 MR. LEWIS: Off the record.
 5 (Off-record discussion.)
 6 BY MR. LEWIS:
 7 Q I want to talk to you now about your first
 8 contact with Roseanne Christian.
 9 A Um-hmm.
 10 Q Tell me how that came about.
 11 A Well, basically, he -- I mean, I was in my
 12 house on a Saturday. And I looked downstairs, and
 13 she was standing in my kitchen.
 14 Q About what time of the day was it?
 15 A I guess it was maybe between the morning
 16 and maybe between -- maybe between 10:00 and 12:00,
 17 something like that. It was -- it was in the
 18 morning or early afternoon.
 19 Q Was Patricia home then --
 20 A Yes, she was.
 21 Q -- that day? So, what was Roseanne doing
 22 in your kitchen?
 23 A I had no idea.
 24 Q No. But, I mean, what, was she -- was she
 25 walking around --

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1 A She was just --
 2 Q -- or was she making lunch or --
 3 A She was standing there. And I asked her
 4 what she was doing there.
 5 Q What did she tell you?
 6 A She said she didn't know anybody lived
 7 there. But we had laundry out in the backyard. And
 8 I also had a dog in the backyard, so -- and the back
 9 door was open. So, you know, I don't know how she
 10 made that assumption.
 11 Q So, this surprised you, to see somebody in
 12 your kitchen?
 13 A Absolutely.
 14 Q But you knew Roseanne before that, didn't
 15 you?
 16 A Yes.
 17 Q In what context had you known her?
 18 A Well, her mother was the organist at my
 19 church.
 20 Q But had you met Roseanne before then?
 21 A Well, we -- we grew up in the same church.
 22 Q When you saw her, did you recognize her as
 23 Roseanne Christian?
 24 A She was familiar and -- but I wasn't
 25 quite -- you know.

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1 Q You didn't know her name?
 2 A I knew her name was -- you know, after she
 3 gave me her name, then I realized who it was.
 4 Q Then you recognized her, when you saw her?
 5 A Yeah.
 6 Q So, what was discussed then? Did she
 7 start talking to you? Well, what did you say to
 8 her, first?
 9 A I asked her what she was doing in my
 10 kitchen.
 11 Q What did she say?
 12 A She said that she was there -- she thought
 13 that the property was getting ready to get
 14 foreclosed on, and she didn't know if anybody lived
 15 there, and she was there looking at the property.
 16 Q You do remember this was a Saturday?
 17 A I'm pretty sure it was a Saturday, because
 18 both of us were home.
 19 Q Do you remember what month it was?
 20 A I'm not sure about that.
 21 Q Do you know --
 22 A I knew it was -- I knew it was either -- I
 23 knew it was either the early -- it was either the
 24 summer or early autumn months --
 25 Q Well, if I ask you --